



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,160	12/20/2001	Kurt A. Estes	9793070-0439	1693
173 7590 08/22/2007 WHIRLPOOL PATENTS COMPANY - MD 0750 500 RENAISSANCE DRIVE - SUITE 102 ST. JOSEPH, MI 49085			EXAMINER WEBB, GREGORY E	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,160	<b>Applicant(s)</b> ESTES ET AL.	
	<b>Examiner</b> Gregory E. Webb	<b>Art Unit</b> 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 79-81,83-89 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 88 is/are allowed.
- 6) ☒ Claim(s) 79-81,83-87 and 89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

 8/16/07

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/27/07 have been fully considered but they are not persuasive.
2. The applicant has submitted an affidavit swearing behind the Flynn '390 reference claiming priority to 60/045,072 filed 04/29/1997.
3. The examiner agrees that the applicant has claimed priority to certain aspects of the 60/045,072 reference. However, the applicant has amended both claims and specification since this original date. Such language as it is appearing in the claims is not afforded priority to this 60/045,072 document.
4. Several questions are raised by the "Project Hope" declaration submitted. First the declaration clearly admits that the fluorinerts at the time of the presentation were manufactured by 3M the current patent holder of the Flynn reference. Thus by admission the applicant shows these to be known compounds.
5. Second, the applicant's examples are not commensurate in scope with the instant claims for two reasons. First, none of the examples demonstrate the use of a washing additive. And none of the example actually show a compound which is non-reactive, non-oleophilic, apolar working fluid that is not-detersive and has a KB value less than or equal to 30. In fact the only description given is that the solvent is non-aqueous. The use of non-aqueous solvents for cleaning is not only well-known but it should be noted that this is not related to the instant claims.

6. Thus the examiner maintains previous rejections as the declaration is not commensurate in scope with the instant claims.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 89 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has not shown support for this newly added claim. Language such as “.

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 79-81 and 83-87, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al (US 5,962,390) in view of Smith et al (US 5,238,587).

Art Unit: 1751

2. Flynn et al teach a variety of solvents suitable for dry cleaning applications such as those found in the instant application.

3. Flynn includes in this list of solvents including the applicant's claimed "working fluid." For example Flynn teaches the use of the fluoroether  $C_4F_9OCH_3$ , also known as HFE-7100, a well-known fluid produced by Minnesota Mining and Manufacturing company, the assignee for the Flynn reference.

4. Flynn fails to teach the applicant's claimed perfume.

5. Smith et al (US 5,238,587) teaches a home dry cleaning kit which also contains an ether-based formulations such as those discussed in Flynn (see title and col. 5).

6. Smith et al further teach the routine inclusion of perfumes in their dry cleaning composition (see cols. 8-9). Smith specifically states the benefit of such fragrances and states that the inclusion of such compounds will function as an insect repellant.

Thus it would have been obvious based on the teachings of Flynn in view of Smith to include a perfume in an ether-based dry cleaning composition as such additions will as taught by Smith repel insects. It is also noted that Smith teaches cosolvents such as ethers. Concerning the oil solvency as the working fluids are identical they would inherently have identical properties.

Claims 79-81 and 83-87, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al (US 5,962,390) in view of Broze et al (US 4,786,431 A).

Flynn is relied upon for those reasons set forth above.

Art Unit: 1751

Broze teaches non-aqueous detergent compositions for laundering textiles (see abstract). Broze teaches the use of various additives which can be included to improve the "aesthetic nature." (see col. 15, lines 22-48). Included in this brief list of compounds are perfumes.

As Broze teaches perfumes improves the aesthetic nature of the non-aqueous laundering compositions, it would have been obvious to add a perfume to compositions of Flynn as it is well-known, and taught by Broze, that perfumes improve the aesthetics of non-aqueous laundering compositions. Broze teaches the addition of various surfactants including those that are ethers as required by new claim 89.

Claims 79-81 and 83-87, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al (US 5,962,390) in view of Mizutani et al (US 4,102,824 A). Flynn is relied upon for those reasons set forth above.

Mizutani teaches non-aqueous detergent compositions for laundering textiles (see title). Mizutani teaches the use of perfumes as conventional ingredients in these non-aqueous compositions (see col. 3, lines 50-60).

As Mizutani teaches perfumes as conventional ingredients in non-aqueous laundering detergents, it would have been obvious to one skilled in the art of laundering to include a perfume in a non-aqueous detergent used for laundering.

Concerning claim 89, Mizutani teaches the addition of various components including ester based surfactants (see table 2).

***Allowable Subject Matter***

Claim 88 is allowed. The prior art fails to teach or suggest the applicant's claimed fluorine containing compound in combination with the fragrance.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglass McGinty can be reached on (571)272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



8/16/07

Gregory E. Webb  
Primary Examiner  
Art Unit 1751

gew